

Docket No. 15672US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

C. Randal Mills et al.

Serial No.: 10/828,653

Filed: April 20, 2004

For: Process and Apparatus for
Treating Implants
Comprising Soft Tissue

Examiner: Not Yet Known

Group Art Unit: 3738

Confirmation No.: 4918

CERTIFICATE OF MAILING

) I hereby certify that this correspondence is
being deposited with the United States
Postal Service as first class mail in an
envelope addressed to Mail Stop Missing
Parts, Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450, on
October 18, 2004.

) By: Michael B Harlin
Michael B. Harlin
Reg. No. 43,658

RESPONSE TO NOTICE OF MISSING PARTS

Mail Stop: Missing Parts
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the attached Notice of Missing Parts, dated July 1, 2004,
Applicants hereby files the signed declaration and the surcharge in the amount of
\$130.00 for such a late filing. A Petition for a Two-Month Extension of Time, with the
required fee, is also enclosed.

Respectfully submitted,



Michael B. Harlin
Michael B. Harlin
Registration No. 43,658
Attorney for the Applicants

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 775-8202

Date: October 18, 2004

Under the Paperwork Reduction act of 1995, no persona are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

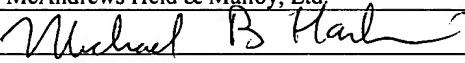
(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	12	Attorney Docket Number	15672US01
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ENCLOSURES (check all that apply)

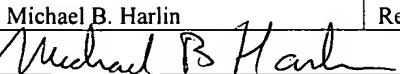
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO 1449/08A with references <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return-Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> * Executed Declaration (3 pages) * Copy of Notice to File Missing Parts
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	McAndrews Held & Malloy, Ltd.		
Signature			
Date	Michael B. Harlin		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 18, 2004.

Name (Print/type)	Michael B. Harlin	Registration No. (Attorney/Agent)	43,658
Signature		Date	October 18, 2004

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 560

Complete If Known	
Application Number	10/828,653
Filing Date	April 20, 2004
First Named Inventor	C. Randal Mills, et al.
Examiner Name	Not Yet Known
Art Unit	3738
Attorney Docket No.	15672US01

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																																																																																																							
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ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="2"></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td colspan="2">Surcharge - late filing fee or oath</td> <td>Fee Paid</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td colspan="2">Surcharge - late provisional filing fee or cover sheet.</td> <td>130</td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td colspan="2">Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td colspan="2">For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td colspan="2">Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td colspan="2">Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td colspan="2">Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>430</td> <td>2252</td> <td>215</td> <td colspan="2">Extension for reply within second month</td> <td>430</td> </tr> <tr> <td>1253</td> <td>980</td> <td>2253</td> <td>490</td> <td colspan="2">Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,530</td> <td>2254</td> <td>765</td> <td colspan="2">Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2,080</td> <td>2255</td> <td>1,040</td> <td colspan="2">Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>340</td> <td>2401</td> <td>170</td> <td colspan="2">Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>340</td> <td>2402</td> <td>170</td> <td colspan="2">Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>300</td> <td>2403</td> <td>150</td> <td colspan="2">Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td colspan="2">Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td colspan="2">Petition to revive – unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1,370</td> <td>2453</td> <td>685</td> <td colspan="2">Petition to revive – unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,370</td> <td>2501</td> <td>685</td> <td colspan="2">Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502</td> <td>490</td> <td>2502</td> <td>245</td> <td colspan="2">Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>660</td> <td>2503</td> <td>330</td> <td colspan="2">Plant issue fee</td> <td></td> </tr> <tr> <td>Total Claims</td> <td>-20 **</td> <td>Extra Claims !Undefined Bookmark, TEXT2 70</td> <td>Fee from below X</td> <td>Fee Paid = 0</td> <td colspan="2">Fee Description</td> <td>Fee Paid</td> </tr> <tr> <td>Independent Claims</td> <td>-3 **</td> <td>!Undefined Bookmark, TEXT2 50</td> <td>X</td> <td>= 0</td> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td>X</td> <td>= 0</td> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1809</td> <td>790</td> <td>2809</td> <td>395</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1810</td> <td>790</td> <td>2810</td> <td>395</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1801</td> <td>790</td> <td>2801</td> <td>395</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td colspan="4">Other fee (specify) _____</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td colspan="4">SUBTOTAL (3) (\$ 560)</td> </tr> </tr></tbody> </table>				Large Entity	Small Entity			Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		Fee Paid	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.		130	1053	130	1053	130	Non-English specification			1812	2,520	1812	2,520	For filing a request for ex parte reexamination			1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action			1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action			1251	110	2251	55	Extension for reply within first month			1252	430	2252	215	Extension for reply within second month		430	1253	980	2253	490	Extension for reply within third month			1254	1,530	2254	765	Extension for reply within fourth month			1255	2,080	2255	1,040	Extension for reply within fifth month			1401	340	2401	170	Notice of Appeal			1402	340	2402	170	Filing a brief in support of an appeal			1403	300	2403	150	Request for oral hearing			1451	1,510	1451	1,510	Petition to institute a public use proceeding			1452	110	2452	55	Petition to revive – unavoidable			1453	1,370	2453	685	Petition to revive – unintentional			1501	1,370	2501	685	Utility issue fee (or reissue)			1502	490	2502	245	Design issue fee			1503	660	2503	330	Plant issue fee			Total Claims	-20 **	Extra Claims !Undefined Bookmark, TEXT2 70	Fee from below X	Fee Paid = 0	Fee Description		Fee Paid	Independent Claims	-3 **	!Undefined Bookmark, TEXT2 50	X	= 0	1460	130	1460	130	Multiple Dependent			X	= 0						1807	50	1807	50						1806	180	1806	180						8021	40	8021	40						1809	790	2809	395						1810	790	2810	395						1801	790	2801	395						1802	900	1802	900						Other fee (specify) _____									*Reduced by Basic Filing Fee Paid									SUBTOTAL (3) (\$ 560)			
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SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Michael B. Harlin	Registration No. (Attorney/Agent)	43,658	Telephone	312/775-8000
Signature	<i>Michael B. Harlin</i>			Date	October 18, 2004

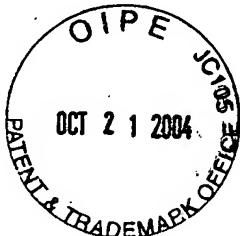
ZFW

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,653	04/20/2004	C. Randal Mills	15672US01

23446
 MCANDREWS HELD & MALLOY, LTD
 500 WEST MADISON STREET
 SUITE 3400
 CHICAGO, IL 60661



CONFIRMATION NO. 4918
FORMALITIES LETTER



OC000000013130969

Date Mailed: 07/01/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

10/22/2004 BABRAHA1 00000045 10828653

Alexandria VA 22313-1450

01 FC:1051

130.00 0P

*A copy of this notice **MUST** be returned with the reply.*

Unaykin

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE